

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELSIE BRANSTETTER,

Plaintiff,

v.

HOLLAND AMERICA LINE N.V. LLC,

Defendant.

C19-2104 TSZ

**JOINT STATUS REPORT,
STIPULATION AND ORDER FOR
STAY**

STIPULATION

WHEREAS, Plaintiff Kelsie Branstetter (“Plaintiff”) brought suit against Defendant HOLLAND AMERICA LINE N.V. (“Defendant”) alleging causes of action for Jones Act negligence, unseaworthiness, and maintenance and cure;

WHEREAS, Plaintiff’s employment agreement with Defendant obligates Defendant to pay certain benefits to Plaintiff in the event of a workplace injury, including, where appropriate, maintenance (living expenses) and cure (medical expenses) until Plaintiff reaches a point of maximum medical improvement;

1 WHEREAS, Plaintiff and Defendant have reached an agreement to settle Plaintiff's Jones
2 Act negligence, unseaworthiness, and *past* maintenance and cure claims;

3 WHEREAS, the Parties stipulated to stay this case to permit time for the parties to finalize
4 their settlement as to Plaintiff's Jones Act negligence, unseaworthiness, and *past* maintenance
5 and cure claims;

6
7 WHEREAS, the Parties also stipulated that in the event Plaintiff is not pursuing any
8 additional claims for maintenance and cure against Defendant for her shipboard injuries as
9 described in her complaint within sixty (60) days after Plaintiff is declared to have reached
10 maximum medical improvement, the parties will jointly move for dismissal with prejudice of
11 this action pursuant to FRCP 41(a)(1)(A)(ii);

12
13 WHEREAS, the Parties stipulated that in the event Plaintiff and Defendant have not
14 resolved all outstanding issues between them related to Plaintiff's claim for maintenance and
15 cure as described in her complaint within sixty (60) days of Plaintiff being declared to have
16 reached the point of maximum medical improvement, the parties will jointly move for relief
17 from the stay and will request a scheduling conference be scheduled for the purposes of setting
18 new case management and trial dates;

19
20 WHEREAS, on July 1, 2020, this Honorable Court entered an order on the stipulation of
21 the parties which stayed the case and vacated the then-existing case management and trial dates
22 and ordered the parties to submit a Joint Status Report by December 18, 2020 [Dkt. No. 39];
23 and

1 WHEREAS, Plaintiff is still receiving medical treatment for her alleged shipboard
2 injuries and has not yet been declared to have reached the point of medical maximum
3 improvement;

4 THEREFORE, the parties, by and through their undersigned counsel, hereby agree and
5 stipulate, and request that this Court order, as follows:
6

7 1. This matter shall continue to be stayed for an additional six months to provide
8 time for Plaintiff to potentially reach the point of maximum medical improvement;

9 2. In the event Plaintiff is not pursuing any additional claims against Defendant for
10 maintenance and cure as described in her complaint within sixty (60) days after Plaintiff is
11 declared to have reached maximum medical improvement, the parties will jointly move for
12 dismissal with prejudice of this action pursuant to FRCP 41(a)(1)(A)(ii); and
13

14 3. In the event Plaintiff and Defendant have not resolved all outstanding issues
15 between them related to Plaintiff's claim for maintenance and cure as described in her complaint
16 within sixty (60) days of Plaintiff being declared to have reached the point of maximum medical
17 improvement, the parties will jointly move for relief from the stay and will request a scheduling
18 conference be scheduled for the purposes of setting new case management and trial dates.
19

20 SO STIPULATED.

21 LAW OFFICE OF JOHN MERRIAM

GORDON REES SCULLY
MANSUKHANI LLP

22
23 By: s/John W. Merriam
24 John W. Merriam, WSBA #12749
25 Attorney for Plaintiff Kelsie Branstetter
Dated: December 16, 2020

By: s/Shannon L. Wodnik
Shannon L. Wodnik, WSBA #44998
Attorneys for Defendant Holland America
Line N.V.
Dated: December 16, 2020

26
STIPULATION AND ORDER FOR STAY - 3
C19-2104 TSZ

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MANSUKHANI, LLP**
701 Fifth Avenue, Suite 2100
Seattle, WA 98104
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ORDER

Pursuant to the foregoing Stipulation, IT IS HEREBY ORDERED AND ADJUDGED that:

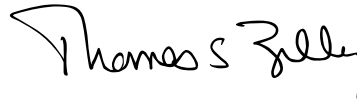
1. This matter shall continue to be stayed for an additional six months to provide time for Plaintiff to potentially reach the point of maximum medical improvement;

2. In the event Plaintiff is not pursuing any additional claims against Defendant for maintenance and cure as described in her complaint within sixty (60) days after Plaintiff is declared to have reached maximum medical improvement, the parties will jointly move for dismissal with prejudice of this action pursuant to FRCP 41(a)(1)(A)(ii); and

3. In the event Plaintiff and Defendant have not resolved all outstanding issues between them related to Plaintiff's claim for maintenance and cure as described in her complaint within sixty (60) days of Plaintiff being declared to have reached the point of maximum medical improvement, the parties will jointly move for relief from the stay and will request a scheduling conference be scheduled for the purposes of setting new case management and trial dates.

4. The parties are ORDERED to submit a Joint Status Report by June 18, 2021, informing the Court as to the status of this case if the parties have not reached a settlement agreement by that date.

DONE and ORDERED on this 16th day of December, 2020 in Seattle, Washington.



THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF WASHINGTON